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November 29, 2004

### CERTIFICATE OF MAILING 37 C.F.R. 1.8

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November 29, 2004  
Date

Robert E. Hanson

### MS AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

RE: *U.S. Patent Application No. 10/618,103 entitled "SOYBEAN VARIETY 0137335" – Thomas Horejsi et al.*  
*Our reference: MSUT:012US*  
*Client reference: 51151*


Sir:

Enclosed for filing in the above-referenced patent application is an Information Disclosure Statement, Form PTO-1449, and references A1-A10 and C1-C49.

No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to the enclosed materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/MSUT:012US.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,

  
Robert E. Hanson  
Reg. No. 42,628

REH/kmv  
Encl.: as noted



**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Thomas Horejsi et al.

Serial No.: 10/618,103

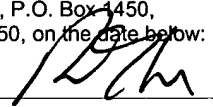
Filed: July 11, 2003

For: SOYBEAN VARIETY 0137335

Group Art Unit: 1638

Examiner: Unknown

Atty. Dkt. No.: MSUT:012US

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November 29, 2004	
Date	Robert E. Hanson

**INFORMATION DISCLOSURE STATEMENT**

**MS AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R. §§ 1.97(g), (h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be

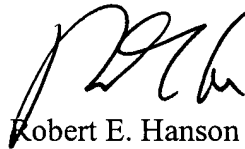
an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The present Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/MSUT:012US.

This application is related by inventorship and subject matter to co-pending U.S. application numbers 10/618,098, filed July 11, 2003, 10/194,992 filed July 11, 2003, 10/194,453 filed July 11, 2002 and 10/618,101 filed July 11, 2003.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,



Robert E. Hanson  
Reg. No. 42,628  
Attorney for Applicants

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Date: November 29, 2004

Form PTO-1449 (modified)

Atty. Docket No.  
MSUT:012USSerial No.  
10/618,103

List of Patents and Publications for Applicant's

Applicant  
Thomas Horejsi *et al.*

## INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Filing Date:  
July 11, 2003Group:  
1638U.S. Patent Documents  
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## U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A1	5,084,082	01/28/92	Sebastian	71	90	02/20/90
	A2	5,304,728	04/19/94	Eby	800	200	06/01/93
	A3	5,523,520	6/04/96	Hunsperger and Holtrop	800	200	6/24/94
	A4	5,569,815	10/29/96	Eby	800	200	01/17/95
	A5	5,576,474	11/19/96	Lussenden	800	200	10/06/95
	A6	5,576,475	11/19/96	Matson	800	200	10/06/95
	A7	5,650,552	7/22/97	Matson	800	200	5/17/96
	A8	5,723,741	3/03/98	Matson and Lewis	800	200	2/12/97
	A9	6,140,556	10/31/00	Conway	800	312	1/15/99
	A10	6,313,380	11/06/01	Moots	800	312	1/06/00

## Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No

## Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C1	Allard, University of California, Davis, California, "Selection under self-fertilization," <i>Principles of Plant Breeding</i> , Published by John Wiley & Sons, New York, University of California, Davis, California, 50-98, 1960.
	C2	Bernard, ed., "Evaluation of Maturity Groups I and II of the U.S.D.A. Soybean Collection," pp. 1-3, 58-59, September 1966.
	C3	Bernard, ed., "Evaluation of Maturity Groups III and IV of the U.S.D.A. Soybean Collection," pp. 1-3, 5a-5d, 8a-8d, 9a-9d, 14a-14d, 17a-17d, 24a-24d, and 25a-25d, April 1969.

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### Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C4	Brim and Burton, "Recurrent selection in soybeans. II. Selection for increased percent protein in seeds," <i>Crop Science</i> , 19:494-498, 1979.
	C5	Burton, J.W. 1985. Breeding soybeans for improved protein quantity and quality. P. 361-367. In R. Shibles (ed.) <i>Proc. 3rd World Soybean Res. Conf.</i> , Ames, IA. 12-17, Westview Press, Boulder, CO, 1984.
	C6	Burton, J. W. and Brim, C. A., "Recurrent selection in soybeans. III Selection for increased percent oil in seeds," <i>Crop Sci.</i> , 81: 31-34, 1981.
	C7	Byth <i>et al.</i> , "Correlated truncation selection for yield in soybeans," <i>Crop Sci.</i> , 9:699-702, 1969.
	C8	Caldwell <i>et al.</i> , "Selection value of phenotypic attributes in soybeans," <i>Crop Sci.</i> , 6:249-251, 1966.
	C9	Ciansio and Fehr, "Genetic variability for soybean seed composition in crosses between high and low protein parents," <i>J. Agric. Univ. PR</i> , 66:123-129, 1982.
	C10	Eshed <i>et al.</i> , "Less-than-additive epistatic interactions of quantitative trait loci in tomato," <i>Genetics</i> , 143:1807-1817, 1996.
	C11	Fehr, "In: Soybeans: Improvement, Production and Uses," 2nd Edition, <i>Monograph</i> 16, p. 249 and 259, 1987.
	C12	Fehr, Iowa State University. "Principles of Cultivar Development," vol. 1 Theory and Technique and vol. 2 Crop Species, Soybean, Published by Macmillian Publishing Company, New York, P. 360-376, 1987.
	C13	Fulmer, "The soybean as a chemical factory," In: <i>Soybean Utilization Alternatives</i> , McCann (ed.), The Center for Alternative Crops and Products, Univ. of Minnesota, 1-12, 1988.
	C14	GRIN Database Entry PI438065 (9 Aug. 1994), From The Internet <a href="http://www.ars-grin.gov">http://www.ars-grin.gov</a> .
	C15	GRIN Database Entry PI540555 (1988), From The Internet <a href="http://www.ars-grin.gov">http://www.ars-grin.gov</a> .
	C16	Hanson <i>et al.</i> , "Genetic analysis of energy production in the soybean," <i>Crop Science</i> , 121-126.
	C17	Hartwig, E. E., "Breeding productive soybeans with a higher percentage of protein," In: <i>Seed Protein improvement in cereals and legumes</i> , Vol. II, Intl. Atomic Energy Agency, Vienna, 59-66, 1979.

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### Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C18	Hartwig, "Breeding soybeans for high protein content and quality," In <i>New approaches to breeding for improved plant protein</i> , International Atomic Energy Agency, Vienna, 1969.
	C19	Hartwig, E. E., "Varietal improvement," In: <i>Soybeans: Improvement, production, and uses</i> , Caldwell (ed.), 1 <sup>st</sup> edition, Agronomy, 16:187-210, 1969.
	C20	Hartwig and Hinson, "Association between chemical composition of seed and seed yield of soybeans," <i>Crop Sci.</i> , 22:829-830, 1972.
	C21	Hymowitz, "Soybeans," In: <i>Evolution in crop plants</i> , Simmonds (ed.), Longman Group, London, 159-162, 1976.
	C22	Johnson, H. W., "Breeding for oil and protein in soybeans," <i>Soybean Digest</i> , 21(11):73-75, 1961.
	C23	Kraft <i>et al.</i> , "Linkage disequilibrium and fingerprinting in sugar beet," <i>Theor. Appl. Genet.</i> , 101:323-326, 2000.
	C24	Kwon and Torrie, "Heritability of and interrelationships among traits of two soybean populations," <i>Crop Sci.</i> , 4:196-198, 1964.
	C25	Leffel and Rhodes, "Agronomic performance and economic value of high-seed protein soybean," <i>J. Prod. Agric.</i> , 6:365-368, 1993.
	C26	Leffel, R. C., "High protein lines and chemical constituent pricing in soybean," <i>J. Prod. Agric.</i> , 1:111-115, 1988.
	C27	Mounts <i>et al.</i> , "Processing and utilization," In: <i>Soybeans: Improvement, Production and Uses</i> , Wilcox (ed.), <i>Am. Soc. Agron.</i> , Madison, WI, 1987.
	C28	Nickell and Bernard, "Registration of L84-5873 and L84-5932 Soybean Germplasm Lines Resistant to Brown Stem Rot," <i>Crop Sci.</i> , 32:835, 1992.
	C29	Nickell <i>et al.</i> , "Registration of 'Hamilton' soybean," <i>Crop Sci.</i> , 30:1364, 1990.
	C30	Openshaw and Hadley, "Selection indices to modify protein concentration of soybean seeds," <i>Crop Sci.</i> , 24:1-4, 1984.
	C31	Orf, "Modifying soybean composition by plant breeding," In: <i>Soybean utilization alternative</i> , Univ. Minnesota Center Alternative Crops and Products, McCann (ed.), St. Paul, 131-141, 1988.

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Exam. Init.	Ref. Des.	Citation
	C32	Pantalone <i>et al.</i> , "Soybean fibrous root heritability and genotypic correlations with agronomic and seed quality characteristics," <i>Crop Sci.</i> , 36:1120-1125, 1996.
	C33	Plant Variety Protection Certification Application 9000006.
	C34	Sebern and Lambert, "Effect of stratification for percent protein in two soybean populations," <i>Crop Sci.</i> , 24:225-228, 1984.
	C35	Serretti <i>et al.</i> , "Amino acid profiles of high seed protein soybean," <i>Crop Sci.</i> , 34:207-209, 1994.
	C36	Shannon <i>et al.</i> , "Estimated gains from selection for protein and yield in the F4 generation of six soybean populations," <i>Crop Sci.</i> , 12:824-826, 1972.
	C37	Shorter <i>et al.</i> , "Estimates of selection parameters associated with protein and oil content of soybean seeds ( <i>Glycine max</i> (L.) Merr.)," <i>Aust. J. Agric. Res.</i> , 28:211-222, 1976.
	C38	Simpson and Wilcox, "Genetic and phenotypic associations of agronomic characteristics in four high protein soybean populations," <i>Crop Sci.</i> , 23:1077-1081, 1983.
	C39	Sneep and Hendriksen, eds., "Plant Breeding Perspectives," Wageningen: Centre for Agricultural Publishing and Documentation, 1979.
	C40	Thorne and Fehr, "Incorporation of high protein, exotic germplasm into soybean populations by 2- and 3-way crosses," <i>Crop Sci.</i> , 10:652-655, 1970.
	C41	Wehrmann <i>et al.</i> , "Transfer of high seed protein to high-yielding soybean cultivars," <i>Crop Sci.</i> , 27:927-931, 1987.
	C42	Wilcox and Cavins, "Backcrossing high seed protein to a soybean cultivar," <i>Crop Sci.</i> , 35:1036-1041, 1995.
	C43	Wilcox, C1944 and C1945 Soybean Germplasm, <i>Crop Sci.</i> , 38(3):900, 1998.
	C44	Wilcox, C1944, Accession No. PI 599584, USDA, ARS, National Genetic Resources Program, Germplasm Resources Information Network(GRIN), 1998.
	C45	Wilcox, SN30017, Accession No. PI 599585, USDA, ARS, National Genetic Resources Program, Germplasm Resources Information Network(GRIN), 1998.
	C46	Co-pending U.S. Patent Application No. 10/618,098 filed July 11, 2003.
	C47	Co-pending U.S. Patent Application No. 10/194,992 filed July 11, 2003.

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Exam. Init.	Ref. Des.	Citation
	C48	Co-pending U.S. Patent Application No. 10/618,103 filed July 11, 2003.
	C49	Co-pending U.S. Patent Application No. 10/618,101 filed July 11, 2003.

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